

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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RAFAEL DAVID POLEO ISAVA, :  
: Plaintiff, :  
: :  
: -against- :  
: HELMWELL LIMITED, a British Virgin Islands :  
Corporation, and JORGE CASADO SALCIETTI, :  
and JOHN DOE "1" THROUGH "10", said :  
persons or parties mortgaged premises herein, their :  
respective names are presently unknown to the :  
plaintiff.  
: Defendants. :  
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ORDER

1:19-cv-6889-GHW

GREGORY H. WOODS, United States District Judge:

As the Court stated on the record during the initial pretrial conference held on November 14, 2019, the Court notes that Defendant's answer states that Jorge Casado Salicetti is deceased. Dkt. No. 21, ¶ 4. The Court construes this as a "statement noting [a] death" under Federal Rule of Civil Procedure 25(a)(1). That rule states that if, after the death of a party, a motion for substitution "is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). Therefore, Plaintiff has until February 10, 2020 to make a motion for substitution.

SO ORDERED.

Dated: November 15, 2019  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge